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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/693,874 10/23/00 HERNANDEZ

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PM82/0905

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EXAMINER

RIGOBERTO HERNANDEZ
5371 W 4 COURT
HIALEAH FL 33012

HARTMANN, G

ART UNIT	PAPER NUMBER
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3673

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DATE MAILED:

09/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/693,874

Applicant(s)

HERNANDEZ, RIGOBERTO

Examiner

Gary Hartmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 1-6 are objected to because of the following informalities: the third and fourth open ends referred to in claim 1 should be renamed --first-- and --second--, respectively, since the elongated posts has only two ends and the ends are already distinct from the ends of the housing. Additionally, the preamble of claims 2-6 recite the term "removably." This term should be --removable--. The term "cable means" in line 2 of claim 3 is improper and should be renamed --cable--; i.e., "means" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boots et al. (U.S. Patent 3,698,135) in view of Higginson (U.S. Patent 5,192,159). Boots et al. disclose a removable security post assembly having an anchorage assembly positioned below ground and including a housing (10) having first and second ends. The first end is an opening adjacent the ground (see Figure 1). Because the housing is firmly embedded in the ground, the recitation of anchorage means is met. There is an elongated post member (30) removably and partially received within the housing means. The post member has opened ends and a lateral opening (not

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labeled, see Figures 1 and 3). There is a locking assembly including a lock (50, 60). The lateral opening is aligned with a horizontal opening in the housing, but the opening in the housing does not project outwardly from the housing. Higginson teaches a latch (23) which extends beyond a housing and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the deeper latching means as taught by Higginson with the apparatus of Boots et al. in order to obtain a lock more resistant to shear (i.e., upward) forces. Given the combination of Higginson with Boots et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an outwardly extending bay in order to accommodate the longer latch.

The lock is rigidly mounted to second housing means (Figure 1, for example).

There is a cable (75) extending and holding a latching member (43).

The latching means is inserted through the lateral opening.

There are drainage means (15).

There are means for covering the opening (14).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art included shows retractable, locking posts.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Hartmann whose telephone number is 703-305-4549. The examiner can normally be reached on Monday through Friday, 9am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703-308-3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'Gary Hartmann', with a stylized flourish at the end.

Gary Hartmann
Examiner
Art Unit 3673

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September 4, 2001